

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Feb 28, 2025

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Alberto Noel Nunez

Case Number: 0980 2:17CR00166-TOR-1

Address of Offender: [REDACTED] Spokane, Washington 99223

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U. S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: August 30, 2018

Original Offense: Unlawful Possession of a Stolen Firearm, 18 U.S.C. §§ 922(j), and 924(a)(2)

Original Sentence: Prison - 87 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: David Michael Herzog

Date Supervision Commenced: December 22, 2023

Defense Attorney: Federal Defenders Office

Date Supervision Expires: December 21, 2026

PETITIONING THE COURT

To issue a warrant.

On December 26, 2023, the conditions of supervised release were reviewed with Mr. Nunez. He signed his judgment acknowledging his understanding of his conditions of supervision.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Special Condition #3:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: It is alleged that Mr. Nunez is in violation of his conditions of supervised release by consuming methamphetamine and fentanyl on or about January 15, 2025.

On January 16, 2025, Mr. Nunez was asked to provide a random urine sample. The undersigned officer collecting the sample observed what appeared to be a deception device being used by Mr. Nunez in an attempt to pass his urinalysis. The undersigned officer directed Mr. Nunez to remove the deception device and he eventually complied. Mr. Nunez admitted to using the deception device in an attempt to circumvent the detection of his recent use of controlled substances and ultimately provided a urinalysis that tested presumptive positive for fentanyl, methamphetamine, and cocaine. Mr. Nunez admitted to the undersigned, and via a signed document, that he last used methamphetamine and fentanyl

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on or about January 15, 2025. It should be noted the urinalysis was sent for confirmation and all of the aforementioned substances were confirmed positive.

- 2 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Nunez is in violation of his conditions of supervised release by consuming methamphetamine and fentanyl on or about January 22, 2025.

On January 24, 2025, Mr. Nunez provided a urinalysis that tested presumptive positive for methamphetamine and fentanyl. He thereafter admitted to using these illicit substances to the undersigned, and via a signed document, on or about January 22, 2025.

- 3 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Mr. Nunez violated the conditions of his supervision as he failed to report to the U.S. Probation Office on February 21, 2025, as directed.

On January 24, 2025, Mr. Nunez was directed by the undersigned and provided a form, that informed he is to report to the U.S. Probation Office on February 21, 2025. Mr. Nunez failed to report to the U.S. Probation Office as directed on February 21, 2025. Multiple attempts to contact Mr. Nunez on his last reported cellular telephone number have been without success. On February 18, 2025, the undersigned spoke with Mr. Nunez' primary substance abuse counselor and requested that she relay a message for him to contact the undersigned as soon as possible. On February 26, 2025, the undersigned again spoke with his substance abuse counselor and she stated the message was relayed to Mr. Nunez to contact the undersigned. On February 25, 2025, the undersigned attempted to make contact with Mr. Nunez at his last reported residence though nobody appeared to be home and/or answered the door. The undersigned placed his business card above the door knob with a probation appointment set for February 26, 2025, and a note to call the undersigned as soon as possible. Mr. Nunez failed to report as directed on February 26, 2025, and/or contact the undersigned in any manner. Mr. Nunez' current whereabouts are unknown and he appears to be evading supervision.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 27, 2025

s/Jonathan C. Bot

Jonathan C. Bot

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

February 28, 2025

Date